

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,)
Petitioner,)
v.) Misc. No. 06-001-JD
JAMES M. RAMALHO,)
Respondent.)

)

MOTION TO VACATE
ORDER TO SHOW CAUSE

Pursuant to Rule 7.1 of the Local Rules of the United States District Court for the District of New Hampshire, the United States of America moves this Court to vacate the Order to Show Cause issued in this case on January 9, 2006. In support of this motion, the United States makes the following statements:

1. The United States of America filed a Petition to Enforce IRS Summons against James M. Ramalho on January 3, 2006.
2. On January 9, 2006, an Order to Show Cause was issued, ordering Mr. Ramalho's appearance before the Magistrate Judge on February 16, 2006, at 9:30 a.m.
3. On February 3, 2006, the United States withdrew its request for enforcement of the summons.
4. Based on the United States' withdrawal, this Court has administratively closed this case. However, the January 9, 2006 Order to Show Cause still exists.
5. In order to avoid any confusion, the United States requests that the Order to Show Cause be formally vacated by the Court.

6. A good faith attempt has been made to contact Respondent Ramalho, but there was no answer at his telephone number.

7. Due to the nature of this motion, no supporting memorandum of law is necessary.

For these reasons, the United States requests that the Court vacate the Order to Show Cause which it issued in this case on January 9, 2006.

Respectfully submitted,

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/s/ Gretchen Leah Witt
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February 8, 2006

CERTIFICATE OF SERVICE

I certify that on this 8th day of February, 2006, a copy of the above Motion was mailed, via certified, return receipt requested, to James M. Ramalho at 24 Bullard Drive, Hooksett, New Hampshire 03106 and at 33 Bullard Drive, Hooksett, New Hampshire 03106.

/s/ Gretchen Leah Witt

Gretchen Leah Witt, AUSA